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Honorable Irving R. Kaufman

Executive Director and  
Chief Counsel:  
James D. Harmon, Jr.



October 29, 1984

AT 84-1030/6  
84-1030

Commissioners:

Jesse A. Brewer, Jr.  
Carol Corrigan  
Justin J. Dintino  
William J. Guste, Jr.  
Judith R. Hope  
Philip R. Manuel  
Thomas F. McBride  
Eugene H. Methvin  
Edwin L. Miller, Jr.  
Manuel J. Reyes  
Honorable Peter W. Rodino, Jr.  
Charles H. Rogovin  
Barbara A. Rowan  
Frances A. Sciafani  
Samuel K. Skinner  
Honorable Potter Stewart  
Honorable Strom Thurmond  
Phyllis T. Wunsche

William J. Casey  
Director of Central Intelligence  
Central Intelligence Agency  
Washington, D. C. 20505

Dear Director Casey:

I am pleased to present you with the attached copy of the first interim report of the President's Commission. The report was submitted to the President on October 25, 1984, and will be released publicly tomorrow. This study analyzes the problem of money laundering by organized crime, and proposes a number of remedial measures, including new legislation, to help prevent such activity.

I know that the CIA is vitally concerned with money laundering activities, and that you have provided us with important information which assisted the Commission to confront this problem. The Commission's report, I believe, sheds new light on strategies to make laundering schemes more difficult to conduct. If we can put an end to financial laundering schemes by members of sophisticated criminal cartels, we will have taken a major step in raising the costs of criminal activity and reducing the profit motive that motivates these groups. I also think that techniques to detect money laundering now under study may prove of value to the intelligence community.

We look forward to the continued opportunity to work with members of your staff or to answer any questions.

Sincerely,

James D. Harmon, Jr.

Enclosure



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President's Commission on Organized Crime

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Interim Report to the President  
and the  
Attorney General

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**THE CASH CONNECTION:  
Organized Crime,  
Financial Institutions,  
and Money Laundering**



*October 1984*

President's Commission on Organized Crime

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Interim Report to the President  
and the  
Attorney General

---

**THE CASH CONNECTION:  
Organized Crime,  
Financial Institutions,  
and Money Laundering**



*PRESIDENT'S COMMISSION ON ORGANIZED CRIME*

HONORABLE IRVING R. KAUFMAN, CHAIRMAN

Jesse A. Brewer, Jr.	Manuel J. Reyes
Carol Corrigan	Honorable Peter W. Rodino, Jr.*
Justin J. Dintino	Charles H. Rogovin
William J. Guste	Barbara A. Rowan
Judith R. Hope	Frances A. Sclafani
Philip R. Manuel	Samuel K. Skinner
Thomas F. McBride	Honorable Potter Stewart
Eugene H. Methvin	Honorable Strom Thurmond
Edwin L. Miller	Phyllis T. Wunsche
James D. Harmon, Jr. Executive Director and Chief Counsel	

\* Commissioner Rodino, in view of his position as Chairman of the Committee on the Judiciary of the United States House of Representatives, takes no position concerning the recommendations included in Part III of this Report.

**PRESIDENT'S COMMISSION**

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Washington, D.C. 20006  
202-788-3500

Chairman:  
Honorable Irving R. Kaufman  
Executive Director and  
Chief Counsel:  
James D. Harmon, Jr.

Honorable Ronald Reagan  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

Pursuant to Executive Order, I present the first interim report on Organized Crime. Since I accepted this Commission, the members of the Commission have been increasingly dismayed by the volume of criminal enterprises and their proceeds of their illegal activities in this country and abroad. The career criminals have become a national disgrace and deserve the condemnation of the officials and members of the Congress.

This interim report, which is being presented to the United States by a group of a concerted effort by the Commission. The report sets forth a number of legislative recommendations, a number of which will require action by the private sector.

As our study reveals, money is being made in organized crime. The Commission believes that when implemented, will arm the enforcement authorities with the weapons of the narcotics trade and other criminal groups. The driving force is the desire to earn vast sums of money from its ill-gotten gains, the under the law.

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Honorable Potter Stewart  
Honorable Strom Thurmond  
Phyllis T. Wunsche

Honorable Ronald Reagan  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

Pursuant to Executive Order 12435 and Public Law 98-368, I present the first interim report of the President's Commission on Organized Crime. Since I accepted your appointment as Chairman of this Commission, the members of the Commission and I have become increasingly dismayed by the virtual impunity with which organized criminal enterprises and their members and affiliates "launder" the proceeds of their illegal activities through financial institutions in this country and abroad. This abuse of our financial system by career criminals has become a nationwide affliction, and thoroughly deserves the condemnation it has received from law enforcement officials and members of the business community.

This interim report, which examines the problems of money laundering in the United States by organized crime, is the culmination of a concerted effort by the members and staff of the Commission. The report sets forth a number of substantial administrative and legislative recommendations, as well as suggestions for voluntary action by the private sector.

As our study reveals, money laundering is the lifeblood of organized crime. The Commission believes that its recommendations, when implemented, will arm the financial community and law enforcement authorities with the weapons needed to strike at the very heart of the narcotics trade and other activities engaged in by organized criminal groups. The driving force of organized crime is the incentive to earn vast sums of money; without the ability to freely utilize its ill-gotten gains, the underworld will have been dealt a crippling blow.

Sincerely,

  
Irving R. Kaufman  
Chairman

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## EXECUTIVE

This first report of the Commission on money laundering, the means by which income, or illegal application of income, appears legitimate. While concealed generated income would seem to be generated by organized criminal groups, professional criminals to launder hundreds of millions of dollars with impunity.

Section One of the report details the means by which law enforcement authorities have determined that money laundering is evidenced by the behavior of La Cosa Nostra members to cause the loss of 500 companies—seeking to launder money to determine exactly how much money is being laundered. The cash flow between the United States and the indication of the level of laundering.

The principal tool now utilized in money laundering is the Bank Secrecy Act's Currency Transaction Report (CTR) which is required whenever a currency transaction of more than \$10,000 in currency or monetary instrument is taken into or out of the United States. The Currency Report (FBAR) is required whenever a bank of more than \$5,000. Although the Act is an effective way to deter the activity, its effectiveness has been limited because the Act is administered and enforced by the Federal Reserve institutions.

Once a customer of a financial institution is confirmed in money laundering, there is a need for action is confirmed. This is due to the need to inform law enforcement authorities required to process CTRs and CTRs by the Treasury Department in transactions with Federal agencies. Furthermore, the responsibility of monitoring transactions by Other agencies that could provide



## *EXECUTIVE SUMMARY*

This first report of the Commission examines the problem of money laundering, the means by which one conceals the existence, illegal source, or illegal application of income, and then disguises that income to make it appear legitimate. While concealment of enormous amounts of illegally generated income would seem to pose a formidable challenge to organized criminal groups, professional money launderers have been known to launder hundreds of millions of dollars of these proceeds with virtual impunity.

Section One of the report details the problems of money laundering and law enforcement authorities' response to it. The scope of money laundering is evidenced by the broad array of participants—ranging from La Cosa Nostra members to casinos, motorcycle gangs, and Fortune 500 companies—seeking to launder money. Although it is difficult to determine exactly how much money is laundered annually, tracing the cash flow between the United States and foreign countries provides an indication of the level of laundering activity.

The principal tool now utilized to detect, measure, and punish money laundering is the Bank Secrecy Act. The Act requires that a Currency Transaction Report (CTR) must be filed by financial institutions whenever a currency transaction is more than \$10,000. In addition, a Currency or Monetary Instrument Report (CMIR) must be filed whenever currency or monetary instruments of more than \$5,000 are taken into or out of the United States. Finally, a Foreign Bank Account Report (FBAR) is required whenever a person has an account in a foreign bank of more than \$5,000. Although the Bank Secrecy Act has provided an effective way to deter the activities of money laundering, its effectiveness has been limited because of problems in the means by which the Act is administered and because of actions by certain financial institutions.

Once a customer of a financial institution is suspected of engaging in money laundering, there is a considerable delay before this information is confirmed. This is due to the reticence of financial institutions to inform law enforcement authorities of suspicious transactions, the time required to process CTRs and CMIRs, and the restrictions placed on the Treasury Department in transferring CTR and CMIR data to other Federal agencies. Furthermore, the Treasury Department alone bears the responsibility of monitoring and investigating money laundering. Other agencies that could provide additional investigative experience



and resources have been unable to share some of that responsibility because they lack jurisdiction.

Under the Bank Secrecy Act, Federal agencies lack important investigative techniques and resources which could be used effectively against money launderers. These include the use of court-authorized electronic surveillance for violations of the Act. In addition, there is an insufficient number of FBI, DEA, and IRS agents available to investigate money laundering-related violations. Finally, the effectiveness of the Bank Secrecy Act is limited because the civil and criminal penalties imposed by the Act are far too lenient to punish and deter money laundering. Unless a pattern of violations can be demonstrated, the Treasury Department can impose a civil penalty of no more than \$1,000 per violation, and Federal courts can sentence defendants to no more than one year in prison and \$1,000 per violation. This does not pose a significant threat to the individual whose laundering schemes have limitless financial potential.

Section Two of the report sets forth a number of case studies that demonstrate the diversity and magnitude of money laundering schemes. For example:

- In the Pizza Connection case, La Cosa Nostra members distributed heroin imported from Southeast Asia's Golden Triangle through pizza parlors in the United States, and then transferred the cash generated through New York to Switzerland and finally to Italy, where it was used to buy more heroin. Authorities estimate that at least \$25 million was laundered between October 1980 and September 1982.
- In the Great American Bank case, officers and employees of the bank received a fee for processing large amounts of cash without filing the required CTRs. More than \$94 million was laundered by the bank from December 1982 through April 1984 for the depositors, three narcotics organizations.
- People's Liberty Bank of Covington, Kentucky was involved in the laundering scheme of a Colombian citizen, Luis Pinto, who was involved in a cocaine ring. Pinto made large cash deposits, often close to \$300,000 at a time, and made withdrawals in the form of bank drafts or cashier's checks, usually in amounts that did not require the filing of CTRs. Pinto frequently made withdrawals of \$10,000 from several different branches in a single day to circumvent reporting requirements. Despite the suspect nature of Pinto's transactions, the bank never notified local or Federal law enforcement agencies.

These and other case studies highlight how money laundering schemes can be used to evade law enforcement agencies to detect, those involving complex and difficult. Furthermore, the deliberate concealment demonstrated by some bank employees and Federal law enforcement authorities in obtaining information about a customer from whom a laundering scheme began does not authorize such disclosures. These institutions have informed customer investigation, thus hindering the effectiveness of the law.

Section Three of the report sets forth the findings and legislative recommendations, and the necessary action by financial institutions to prevent money laundering. These proposed voluntary measures are designed to help ensure that existing policies do not make them easy to circumvent. Branch manager or assistant manager responsible for completion of the CTR, the CTR. Tellers, officers and other staff are responsible extensively both in the requirements and the features common to money laundering. Implementing an internal clearinghouse system in branch commercial activities to ensure compliance at an early stage.

In addition, customers who are subject to the Bank Secrecy Act's reporting requirements should be investigated as stringent as the decision to grant an exemption should be made by officers. Furthermore, special attention has been used in laundering schemes such as the purchase or cashing of large amounts of currency in exchange of large amounts of currency in relationship with the account holder.

The Commission's administrative responsibilities for CTR, CMIR, and FBAR data are to determine which countries are most involved in money laundering schemes, so that the Justice Department can focus on these areas; the granting of additional exemptions to the IRS, the FBI, and the DEA to investigate effectively; the implementation of a system by the Treasury and financial institutions to inform law enforcement agencies of money laundering activities.

These and other case studies highlighted in the report make clear that while money laundering schemes may be difficult for law enforcement agencies to detect, those involving insider collusion are the most difficult. Furthermore, the deliberate indifference to suspect transactions demonstrated by some bank employees furthers money laundering. Also, Federal law enforcement authorities may not have access to needed information about a customer from a financial institution in an investigation of a laundering scheme because the Right to Financial Privacy Act does not authorize such disclosure. Finally, in some cases financial institutions have informed customers that they are the subject of a criminal investigation, thus hindering the conduct of these investigations.

Section Three of the report sets forth the Commission's administrative and legislative recommendations, as well as recommendations for voluntary action by financial institutions, to deal more effectively with money laundering. These proposed voluntary guidelines for the banking community are designed to help ensure that financial institutions' internal policies do not make them easy prey for money launderers. Either a branch manager or assistant manager should be made ultimately responsible for completion of the CTR and should be required to countersign the CTR. Tellers, officers and other employees should be trained more extensively both in the requirements of the Bank Secrecy Act and in the features common to money laundering. Financial institutions should implement an internal clearinghouse for all CTRs and CMIRs generated in branch commercial activities so that management can review compliance at an early stage.

In addition, customers who wish to be exempted from the Bank Secrecy Act's reporting requirements should be subjected to background investigations as stringent as those conducted on loan applicants. The decision to grant an exemption should be approved by at least two bank officers. Furthermore, special attention should be paid to activities which have been used in laundering schemes but which often evade review, such as the purchase or cashing of cashier's checks and deposits or exchange of large amounts of currency by an individual in a fiduciary relationship with the account holder.

The Commission's administrative recommendations include the use of CTR, CMIR, and FBAR data by the Treasury Department to determine which countries are most likely to be used in money laundering schemes, so that the Justice Department can focus its investigations on these areas; the granting of additional manpower and resources to the IRS, the FBI, and the DEA to investigate money laundering more effectively; the implementation of a procedure by the Secretary of the Treasury and financial institutions to expedite the process by which the institutions inform law enforcement authorities of violations of the

Act; the adoption of a procedure by the Treasury Department to discourage financial institutions from abusing the authority to grant customers exemptions from the requirements of the Act; and the inclusion of casinos in the Treasury Department regulations' definition of financial institutions under the Act.

The Commission's legislative recommendations include the passage of amendments to the Right to Financial Privacy Act that would permit a financial institution to disclose certain information to a law enforcement agency, to permit the agency to determine whether a formal investigation is warranted, and that ensure that financial institutions would not be subject to private damage actions for such disclosures or for failure to notify customers of such disclosures; amendments to the Bank Secrecy Act that would permit the Secretary of the Treasury to offer rewards for information regarding violations leading to penalties under the Act, and to transfer information from CTRs, CMIRs, or FBARs to other agencies as necessary for an investigation; amendments to the Bank Secrecy Act that would increase civil and criminal penalties for violations of the Act; and an amendment to Title III of the Omnibus Crime Control and Safe Streets Act of 1968, to include the criminal provisions of the Bank Secrecy Act as a predicate for the issuance of judicial orders authorizing interception of telephone calls, telexes, and other forms of wire or oral communications.

While these recommendations, if effected, could significantly enhance the ability of law enforcement authorities to hinder money laundering activity, none of them addresses the problem of money laundering directly. The money launderer who complies with the recordkeeping and reporting requirements of the Bank Secrecy Act, as has often been done, cannot be prosecuted unless it has been proven that he has violated another Federal statute. This report therefore proposes draft legislation, denominated the Financial Institutions Protection Act, that includes provisions to make the use of financial institutions by money launderers a criminal offense. Such legislation would give Federal law enforcement agents the authority to investigate money launderers and their couriers from the time that they enter financial institutions.

The Commission invites the response of the banking community to these recommendations and proposed legislation. Constructive dialogue between law enforcement and financial institutions is essential to the development of new procedures and legislation which will deny money launderers access to financial institutions for their illegally generated profits.

## THE PRESIDENT'S COMMISSION

The President's Commission was established by Executive Order 12435 on July 1, 1977. The Commission to:

- Make a full and complete study of organized crime;
- Define the nature of traditional and emerging organized crime groups and their income, and their income;
- Develop in-depth information on organized crime networks;
- Evaluate Federal laws pertaining to organized crime;
- Advise the President and the public of the findings and actions which law enforcement efforts directed at organized crime;
- Make recommendations concerning law enforcement and legislative improvements in the area of justice; and
- Report to the President from time to time and submit its final report by March 1, 1978.

The Commission is authorized to subpoena witnesses and the production of documents and testimony over a claim of the privilege against self-incrimination to seek the assistance of the Department of Justice in the production of habeas corpus ad testificandum or the production of information or documents the Commission may obtain, use or disclose, or data obtained by law enforcement agencies under the Omnibus Crime Control and Safe Streets Act and the Privacy Act of 1974, or information under the Right to Financial Privacy Act.

The Commission is composed of the President, including its Chairman, and members of the United States Court of Appeals for the District of Columbia Circuit.

MEMORANDUM FOR: Director, Office of Global Issues

FROM: Executive Assistant to the DDCI

Jim,

Dick Kerr offered your name up, suggesting that you or one of your people could give a general briefing on the flow of narcotics money, etc. I understand that while these people are not cleared at the present time, Justice is in the process of getting them clearances. Obviously the briefings will be geared to whatever clearances they have at the time. John wants to make sure that any information provided does not in any way shed any light on how this information is collected.

Thank you,

[Redacted Signature]

Date: 31 March 1984

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The Deputy Director of Central Intelligence

Washington, D.C. 20505

EX-101-101

84- 1030/1

2 March 1984

Mr. John D. Harmon, Jr.  
Executive Director and Chief Counsel  
President's Commission on Organized Crime  
Suite 700  
1425 K Street, N.W.  
Washington, D.C. 20005

Mr. Harmon:

I hope that you will understand that it would be inappropriate for CIA to provide a representative to a Commission looking into law enforcement matters. By law, the CIA is confined to collecting and analyzing foreign intelligence.

We would, however, be glad to provide whatever briefings that we can that might be helpful regarding your interests in the international flow of funds. [redacted] from our Directorate of Intelligence will get in touch with Mr. Gonzalez to make the appropriate arrangements.

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We wish you well in this important endeavor.

/s/ John N. McMahon

John N. McMahon

## Distribution:

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DCI  
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B-200

**PRESIDENT'S COMMISSION ON ORGANIZED CRIME**

Suite 700  
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Washington, D.C. 20005

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*JSC*  
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84- 1030

Chairman:  
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Executive Director and  
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James D. Harmon, Jr.



Commissioners:  
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Samuel K. Skinner  
Honorable Potter Stewart  
Honorable Strom Thurmond

February 22, 1984

Mr. John N. McMahon  
Deputy Director  
Central Intelligence Agency  
Washington, DC 20505

Dear Mr. McMahon:

By executive order in late July of 1983, the President established the President's Commission on Organized Crime. The Commission was established to make a full and complete national and region-by-region analysis of organized crime; to define the nature of traditional organized crime as well as emerging organized crime groups, the sources and amounts of organized crime's income, and the uses to which organized crime puts its income; to develop in-depth information on the participants in organized crime networks; and to evaluate Federal laws pertinent to the effort to combat organized crime. Also, by March 31, 1986, the Commission is required to advise the President and the Attorney General with respect to its findings and actions which can be undertaken to improve law enforcement efforts directed against organized crime, and make recommendations concerning appropriate administrative and legislative improvements and improvements in the administration of justice.

As you can see, the mandate of the Commission is not limited to an analysis of the various factions of La Cosa Nostra, but includes also emerging groups such as motorcycle gangs and ethnically oriented criminal groups as well. Drawing upon the shared view of those in law enforcement that public exposure of criminal networks hampers their effectiveness in various ways, the Commission will hold public hearings around the country - all as part of the region-by-region analysis sought by the President. These hearings should include, in part, the presentation of evidence gathered in the course of criminal investigations, but not otherwise made public through criminal trials or otherwise.

-2-

Therefore, we solicit your ideas and suggestions to assist us in fulfilling the mandate from the President. In particular, we seek specific and precise ways in which law enforcement could deal better with organized criminal groups. Also, we value your advice on topics which you think the Commission might explore in public hearings, understanding that we expect to have subpoena power before long.

On March 14, 1984, the Commission will hold a hearing in New York regarding international money laundering schemes and the use of off-shore financial institutions. We request that your agency provide the services of [ ] and [ ] to assist us in preparing for this hearing.

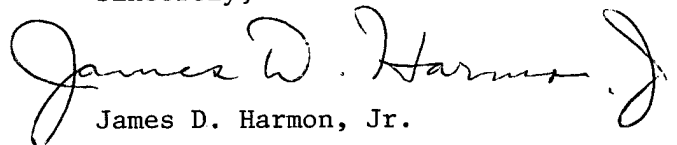
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If you wish to designate from your agency, a representative to the President's Commission on Organized Crime, please forward the name and address, position and telephone number to the Chief Investigator, Manuel J. Gonzalez, who may be reached at (202) 633-5589. From the viewpoint of the Commission this representative would serve as an invaluable contact point as we prepare to undertake an analysis of organized crime. Later, you may expect to be furnished with a roster of all of these representatives from this country and around the world.

We look forward to working with you.

Sincerely,

  
James D. Harmon, Jr.